

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LAUNDRY, DRY CLEANING
WORKERS AND ALLIED INDUSTRIES HEALTH
FUND, UNITE HERE!; and TRUSTEES OF THE
LAUNDRY, DRY CLEANING WORKERS AND
ALLIED INDUSTRIES RETIREMENT FUND,
UNITE HERE!

Plaintiffs,

- against -

B&M LINEN CORP. D/B/A MIRON & SONS
LINEN SUPPLY A/K/A MIRON & SONS LINEN,
INC.,

Defendant.

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07-CV-6999 (DLC)

DECLARATION OF
ELIZABETH M. PILECKI
IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

ELIZABETH M. PILECKI, an attorney at law admitted to practice before this Court,
hereby declares, under penalty of perjury:

1. I am an associate with the law firm of Kennedy, Jennik & Murray, P.C., attorneys for Plaintiffs. As such, I am familiar with the facts and circumstances herein. I submit this Declaration in Support of Plaintiffs' Motion for Summary Judgment.
2. A true and correct copy of the deposition transcript of Miron Markus is annexed hereto collectively as Exhibit A.
3. A true and correct copy of the deposition transcript of Wilfredo Larancuent is annexed hereto collectively as Exhibit B.
4. A true and correct copy of the deposition transcript of Gabriel Vonleh is annexed hereto collectively as Exhibit C.

5. A true and correct copy of the Stipulation between the Laundry, Dry Cleaning & Allied Workers Joint Board and Miron & Sons Linen Service dated February 7, 2004 along with the Collective Bargaining Agreement between the Amalgamated Service and Allied Industries Joint Board and Miron & Sons Linen Service dated November 28, 2000 and effective through November 27, 2003 is annexed hereto as Exhibit F.

6. A true and correct copy of the Collective Bargaining Agreement effective November 28, 2003 through November 27, 2006 between the Laundry, Dry Cleaning & Allied Workers Joint Board and Miron & Sons annexed hereto as Exhibit G.

7. A true and correct copy of a letter dated January 14, 2004 from Josh Zuckerberg to Wilfredo Larancuent, a Settlement Agreement between the Laundry Dry Cleaning & Allied Workers Joint Board and B&M Linen Corp. d/b/a Miron & Sons Linen Service dated February 7, 2004, and November 13, 2003 and September 7, 2003 General Payroll lists, are annexed hereto collectively as Exhibit H.

8. A true and correct copy of a Stipulation between the Laundry Dry Cleaning & Allied Workers Joint Board and B&M Linen Corp. d/b/a Miron & Sons Linen Supply dated November 27, 2006 is annexed hereto as Exhibit I.

9. A true and correct copy of the Quarterly Report of Wages Subject to Laundry, Dry Cleaning & Allied Industries Insurance Fund for the Quarter ending March 31, 2007 from Miron & Sons Laundry is annexed hereto as Exhibit J.

10. A true and correct copy of the NYS-45-MN Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return for the year 2005 is annexed hereto as Exhibit K.

11. A true and correct copy of the NYS-45-MN Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return for the year 2006 is annexed hereto as Exhibit L.

12. A true and correct copy of the NYS-45-MN Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return for the first quarter of 2007 is annexed hereto as Exhibit M.

13. A true and correct copy of the NYS-45-MN Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return for the second quarter of 2007 is annexed hereto as Exhibit N.

14. A true and correct copy of a Settlement Agreement between the Laundry, Dry Cleaning Workers and Allied Industries Health Fund, UNITE, the Laundry, Dry Cleaning Workers and Allied Industries Retirement Fund, UNITE and Miron & Sons Laundry and B&M Linen Service d/b/a Miron & Sons Linen Service dated March 20, 2003 is annexed hereto as Exhibit O.

15. A true and correct copy of a September 29, 2004 letter to Miron & Sons Laundry Service to Arthur O'Neill for an audit for the period from January 1, 1997 through March 14, 2004 for an audit deficiency of \$329,869.05 is annexed hereto as Exhibit P.

16. A true and correct copy of a Revised Audit Amount for Miron & Sons, Inc. for the period March 21, 2003 through March 10, 2004 for a total of \$79,049.96 is annexed hereto as Exhibit S.

17. A true and correct copy of an employee contact list containing employee signatures from B&M Linen Corp. dated February 19, 2007 is annexed hereto as Exhibit T.

18. A true and correct copy of a letter dated August 9, 2007 to Miron Markus from Jeffrey Warbet with an attached invoice indicating \$637,638.23 in unpaid contributions for the period March 19, 2004 through June 30, 2007 is annexed hereto as Exhibit U.

19. A true and correct copy of an October 1, 2007 letter to Joshua Zuckerberg, Esq. from Bernhard Rohrbacher, Esq. setting a deadline of October 5, 2007 at 5:00 p.m. to schedule a date certain for an audit of the records at Miron & Sons Linen, Inc. is annexed hereto as Exhibit V.

20. A true and correct copy of an October 4, 2007 letter to Joshua Zuckerberg, Esq. from Bernhard Rohrbacher, Esq. confirming an audit to start on Tuesday, October 16, 2007 is annexed hereto as Exhibit W.

21. A true and correct copy of an October 16, 2007 letter to Joshua Zuckerberg, Esq. from Bernhard Rohrbacher, Esq. setting October 23, 2007 as the date for an audit of Miron & Sons records is annexed hereto as Exhibit X.

22. A true and correct copy of an October 16, 2007 letter to Joshua Zuckerberg, Esq. from Bernhard Rohrbacher, Esq. describing Miron Markus's inappropriate behavior in relation to the audit is annexed hereto as Exhibit Y.

23. A true and correct copy of a B&M Linen Employee Contact List dated February 3, 2007 with hire and termination dates is annexed hereto as Exhibit Z.

24. A true and correct copy of a February 19, 2008 letter to Joshua Zuckerberg, Esq. from Elizabeth M. Pilecki containing revised calculations of unpaid contributions and interest due to the Funds for the period March 19, 2004 through June 30, 2007 is annexed hereto as Exhibit AA.

25. A true and correct copy of an Employer Receipts Report for the year 2005 is annexed hereto as Exhibit BB.

26. A true and correct copy of an Employer Receipts Report for the year 2006 is attached as Exhibit CC.

27. A true and correct copy of The Trustees of the UNITE HERE National Health Fund v. JY Apparels, Inc., — F.Supp.2d —, 2008 WL 501362, (S.D.N.Y. 2008).

The foregoing statements made by me are true. I understand that if any are willfully false, I am subject to punishment.

Dated: New York, New York
March 20, 2008

KENNEDY, JENNIK & MURRAY, P.C.
Attorneys for Plaintiffs

By: 

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